

STATE OF MICHIGAN

IN THE 17th CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: PLAN FOR APPOINTMENT OF
COUNSEL FOR INDIGENT PARTIES

LOCAL ADMINISTRATIVE ORDER: 2003-12
(RESCINDS 1992-02)

At a session of said Court, held in the Kent County Courthouse
In the City of Grand Rapids in said County.
November 19, 2003

Present: HON. GEORGE S. BUTH
Chief Circuit Judge

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.123, effective January 1, 2004. The purpose of this order is to adopt a plan for the appointment of counsel for indigent parties upon approval by the State Court Administrative Office.

I. Selection Criteria and Procedure for Appointment of Counsel

- A. Each year, generally in October but prior to the end of the year, the Court determines the projected new criminal filings for the coming year to determine how many cases on a contractual basis will be assigned to the private bar and the Kent County Office of the Defender. In addition, and at the same time, the Court estimates the number of attorneys needed for the appointment of delinquency, child protective, appellate, paternity, and parental waiver cases.

Each year, generally in November but prior to the end of the year, the Court with assistance from County Purchasing, sends out to attorneys a bid notice soliciting proposals for court appointed attorney services. Bids are sent to those on the current appointment list and to those who throughout the year indicate an interest in being on the appointment list. In addition, a timely notice is placed in the Grand Rapids Bar Newsletter regarding the solicitation of proposals and notifying attorneys not presently receiving appointments to contact court administration to be added to the Bid Notice list.

The specifications for requests for proposals indicates the compensation for each type of case, including the contract price for criminal defense services for those attorneys who agree to accept a group of cases at the contract rate. In addition, the specifications require attorneys to indicate what type of assignment the attorney is interested in being considered for appointment (i.e. felony criminal, felony capital, cases on appeal, delinquency, child protective, parental waiver, or paternity). The minimum requirements for selection is that attorneys are duly licensed to practice law in the State of Michigan and are ready, willing, and able to provide the legal services required. New attorneys to the list will be required to complete an orientation. New attorneys to the family division list will also be expected to develop a relationship with an attorney mentor. All court appointed attorneys will be required to attend any relevant training as determined by the Court.

Once all the proposals are received, the Chief Judge, Judge Pro Tem, and court administration determines who will be awarded criminal court appointed contracts. The Presiding Judge of the Family Division, with input from other judges, referees, and court staff, determines who will be placed on the family division court appointed attorney list.

- B. Performance of attorneys who receive a contract or who are placed on the family division appointment list are reviewed, depending on the type of case, by the Chief Judge or Presiding Judge (with input from other judges, referees, and court staff) periodically but not less than once a year and prior to October 1. These reviews typically occur at a scheduled judicial meeting(s), with the time set aside on the agenda for this purpose. The Court has established criteria to be used in evaluating performance.

Attorneys may be removed from the contracted list or family division list if a determination is made by the Chief Judge (criminal appointments) or Presiding Judge (family division appointments) that the proper administration of justice is best served by no longer giving assignments to the attorney in question. This decision is made with the input from other judges, referees, and court administration, as appropriate.

II. Appointment Process

A. Appointment of Counsel for Indigent Parties is as follows:

- Felony (criminal) cases are appointed on a rotation basis in compliance with the contracted number of cases awarded. The Court generally assigns at least 50% of felony cases to the Office of the Defender, with the remainder assigned to the private bar.
- Murder cases are appointed on a rotation basis from a separate list of those attorneys approved for contract of felony appointments and who request appointment of murder cases.
- Line-ups, material witness, fugitive, and personal protection order violation hearings are appointed on a rotation basis from the contracted list of attorneys.
- Family division cases are appointed by case type and generally assigned to the attorney on the list who had previous involvement with the family (one family – one judge). This assignment is considered as a rotational appointment. If there is no previous court involvement with the case, then the case is assigned to the next attorney on the list for a rotational appointment.
- Paternity, appellate (child protective), and parental waiver appointments are assigned on a rotational basis.

III. Compensation

- A. Court appointed attorneys contracted for criminal cases are assigned a group of cases and are compensated at the rate of \$510 per case, paid in 12 equal installments. Murder cases are reimbursed at the rate of \$50 per hour. The Court compensates attorneys \$100 per line-up; \$200 per case for personal protection order violation hearings; and, \$50 per hour for fugitive hearings and for material witness appointments.

The Kent County Office of the Defender is compensated at a rate of \$635 per felony case with other details of compensation and/or requirements the same as with private practice attorneys. In addition, the Defender's Office contracts for the first 10 murder cases at the rate of \$2,500 per case.

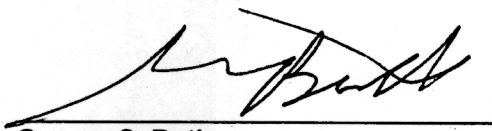
Court appointed attorneys assigned to child protective, delinquency, appellate, or parental waiver cases are compensated at a rate of \$50 per hour.

Paternity appointments are compensated at a rate of \$375 per case.

IV. Maintenance of Records

- A. The Court maintains the number of appointments given to each attorney by the Court, and the number of appointments given to each attorney by the judge of the Court. The Court also maintains fiscal information related to the amount of funds paid to each attorney by the Court, and for assignments by each judge of the Court.**
- B. The above records will be kept according to General Schedule Number 16 regarding the records retention and disposal schedule for Michigan Trial Courts.**
- C. Access to records will comport with Local Administrative Order 2003-05 (Public Access to Court Records). Requests for this information must be made on a File/Copy Request Form and must identify the information requested. Records will be made available at the Case Management Division located on the 3rd floor of the Kent County Courthouse.**

The Circuit Court Administrator is responsible for the administration of the appointed counsel program.


George S. Buth
Chief Circuit Court Judge